

Preliminary Amendment
CPA of Application No. 09/456,429
Attorney's Docket No. P-015-RP1
Page 7

Amend
83. (Newly Added) A pharmaceutical composition comprising a pharmaceutically acceptable excipient and a therapeutically effective amount of a compound of Claims 74-82.

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining in this application be allowed.

1. Amendments to the Claims

Claims 52-54, 56, 58-63, 65 and 67-73 have been canceled and new Claims 74-83 have been added.

Newly presented Claims 74-81 are directed to a compound of formula I.

Claim 74 claims a compound of formula I, wherein L is defined as moieties (i) through (vi). Claims 75-81 claim more specific combinations of ligands, respectively. Support for Claims 74-81 can be found, for example, in the specification on pages 112, line 1 through page 113, lines 21; page 129, line 18 through page 130, line 12; page 131, line 19 through page 132, line 26, Claims 1-9, Figs. 15, 16A and 21, and compound nos. 1-36, 75-111, 186-222, 380-416, 492-518, second occurrence of 492-518, 574-657, and 714-741 of the "Multibinding Calcium Channel Antagonist Table" included in the specification as originally filed.

Newly presented Claim 82 is directed to a specific compound of formula I and is supported by Example 12, page 131, line 19 through page 132, line 26.

Newly presented Claim 83 is directed to a pharmaceutical composition comprising compounds of formula I, and is supported by page 7, line 11 through page 8, line 7, and original Claims 10-15.

No new matter has been added.

Entry of these amendments is earnestly solicited.

Preliminary Amendment
CPA of Application No. 09/456,429
Attorney's Docket No. P-015-RP1
Page 8

2. Election/Restriction

In the Final Office Action dated February 19, 2002, the Examiner reiterated Applicants' election in Paper No. 7 of Group 1 drawn to multibinding compounds and pharmaceutical compositions comprising the compounds (original claims 1-15) with traverse. Specifically, Applicants elected, with traverse, a species of ligand (diltizem) and a specific multibinding compound (compound 79 in Figure 10). The elected species of ligand corresponds to formulas (iv) and (vi) of the now presented claims.

After entry of the above amendment, Applicants believe that newly added Claims 74, 78, and 80-83 are readable upon this election.

3. Rejections Under 35 U.S.C. §102

The Examiner has rejected Claims 52, 53, 54, 56, 61, 62, 63, and 65 under 35 U.S.C. §102(e) as being anticipated by Gluchowski et al. (U.S. 5,767,131 which cites a homodimer composed of diphenyl peridiny1 portions, similar to claimed formula (iii) linked with a symmetrical linker.

Applicants have canceled these claims and request examination of newly added Claims 74-83. Claims 74-83 no longer include a homodimer of claimed formula (iii) and do not read on Gluchowski et al. Withdrawal of this rejection is earnestly solicited.

CONCLUSION

In view of the above, Applicants respectfully submit that this application, in which Claims 74-83 are now pending, is now in condition for allowance. A notice to that effect is earnestly solicited.

Should the Examiner wish to discuss any aspect of the application, the Examiner is invited to telephone the undersigned or Jeffrey Hagenah.

Preliminary Amendment
CPA of Application No. 09/456,429
Attorney's Docket No. P-015-RP1
Page 9

Respectfully submitted,

Date: May 9, 2002

Joyce Cohen
Joyce Cohen, Reg. No. 44,622

THERAVANCE, INC.
(formerly Advanced Medicine, Inc.)
Attn: Legal Dept.
901 Gateway Boulevard
South San Francisco, CA 94080
Tel: (650) 808-6000
Fax: (650) 808-6078